

FILED IN OPEN COURT

DATE 3/20/18

BY W. J. M.
DEPUTY CLERKUNITED STATES DISTRICT COURT HARRISONBURG DIVISION, W.D. of VA
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

Case No.: 5:18 CR 00007

v.

ANTHONY NOVAK, and
SPENCER GILLViolations:

Title 18 U.S.C. § 371

Title 18 U.S.C. § 1349

UNDER SEALINDICTMENT

The Grand Jury charges that at all times relevant to this Indictment:

INTRODUCTION

1. The United States Food and Drug Administration (FDA) was an agency of the United States government responsible for enforcing the provisions of the Federal Food, Drug and Cosmetic Act (FDCA), Title 21, United States Code, Section 301, *et seq.* The FDA's responsibilities included, among other things, regulating the distribution of drugs shipped, delivered, and received in interstate commerce.
2. Pursuant to 21 U.S.C. § 321(g)(1), "drug" was defined as "(A) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any article specified in clause (A), (B), or (C)."

3. Pursuant to 21 U.S.C. § 321(p)(1), a “new drug” was defined as “[a]ny drug . . . the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof . . .”.
4. Pursuant to 21 U.S.C. § 355(a), “[n]o person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) or (j) is effective with respect to such drug.”
5. Pursuant to 21 U.S.C. § 321(f), “food” was defined as “articles used for food or drink for man . . . and used for components of any such article.”
6. Pursuant to 21 U.S.C. § 321(k), “label” was defined as “a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.”
7. Pursuant to 21 U.S.C. § 321(m), “labeling” was defined as “all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.” “One article or thing is accompanied by another when it supplements or explains it No physical attachment one to the other is necessary. It is the textual relationship that is significant.” *Kordel v. United States*, 335 U.S. 345, 350 (1948).

8. Pursuant to 21 U.S.C. § 321(b), “interstate commerce” was defined as “(1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.”
9. Pursuant to 21 U.S.C. § 321(ff), a “dietary supplement” was defined as a product “intended to supplement the diet that bears or contains one or more of the following dietary ingredients: (A) a vitamin; (B) a mineral; (C) an herb or other botanical; (D) an amino acid; (E) a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or (F) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), or (E)”
10. Pursuant to 21 U.S.C. § 352, a drug was misbranded:
 - A. If its labeling was false and misleading in any particular (21 U.S.C. § 352(a));
 - B. If in package form, unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor (21 U.S.C. § 352(b));
 - C. If any word, statement, or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use (21 U.S.C. § 352(c));
 - D. Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health (21 U.S.C. § 352(f)); or
 - E. If it was manufactured, prepared, propagated, compounded, or processed in an

establishment not duly registered under 21 U.S.C. § 360, if it is a drug and was imported or offered for import by a commercial importer of drugs not duly registered under 21 U.S.C. § 381(s), if it was not included in a list required by 21 U.S.C. § 360(j) (21 U.S.C. § 352(o));

- F. If it is a drug and its packaging or labeling is in violation of an applicable regulation (21 U.S.C. § 352(p));
- G. If it is a nonprescription drug that is marketed in the United States, unless the label of such drug includes a domestic address or domestic phone number through which the responsible person may receive a report of a serious adverse event with such drug (21 U.S.C. § 352(x));

BUSINESS REGISTRATION

- 11. Boss Sports Nutrition is registered with the California, Secretary of State. It lists its principal executive office and principal business office address as 2424 Sepulveda Blvd, Ste. F, Torrance, CA 90501. It lists SPENCER GILL (2256 West 232nd St. Torrance, CA 90501) as Chief Executive Officer, and ANTHONY NOVAK (2212 Plant Ave, Redondo Beach, CA 90278) as Secretary and Chief Financial Officer. It lists its type of business as “Fitness Products.”
- 12. U.S. Fusion Supply is registered with the California, Secretary of State. It lists its principal executive office and principal business office address as 2424 Sepulveda Blvd, Ste. F, Torrance, CA 90501. It lists ANTHONY NOVAK (2212 Plant Ave, Redondo Beach, CA 90278) as Chief Executive Officer and Chief Financial Officer, and SPENCER GILL (2256 West 232nd St. Torrance, CA 90501) as Secretary. It lists its type of business as “Research Nutraceuticals.”

13. Transformix Peptides is registered with the California, Secretary of State. It lists its principal executive office and principal business office as 2424 Sepulveda Blvd, Ste. F, Torrance, CA 90501. It lists SPENCER GILL (2256 West 232nd St. Torrance, CA 90501) as Chief Executive Officer and registered agent, and ANTHONY NOVAK (2212 Plant Ave, Redondo Beach, CA 90278) as Secretary and Chief Financial Officer. It lists its type of business as "Research Nutraceuticals."
14. 4 Star Solutions is registered with the California, Secretary of State. It lists its registered agent as Thoai Tuong Nguyen.

WEBSITES/ONLINE ACTIVITY

15. Tony Novak registered, and maintained registrations, for the following websites with GoDaddy and Domains by Proxy:
 - A. bosssportsnutrition.com
 - B. transformixpeptides.com
 - C. usfusionsupply.com
 - D. usfusionsupplies.com
16. Currently, the website site previously identified as usfusionsupply.com is no longer active. That website has been replaced by usfusionsupplies.com. A search of the Internet for US Fusion Supply redirects users to usfusionsupplies.com. Likewise, a search of the Internet now for the website transformixpeptides.com redirects users to tpsupplies.com. The website bosssportsnutrition.com remains active.
17. Tony Novak's account with GoDaddy lists the following information:
 - A. Shopper ID: 57579465;
 - B. Name: Tony Novak;

- C. Address: 2212 Plant Avenue, Redondo Beach, CA 90278;
 - D. Telephone number: 708-415-4783; and,
 - E. Email address: tony.novak@gmail.com.
18. The Defendants operated and maintained various Facebook pages, including:
- A. Transformix Peptides;
 - B. US Fusion Supply; and,
 - C. Boss Sports Nutrition.
19. The Defendants operated an Amazon account for Boss Sports Nutrition/TONY NOVAK. The account listed the following information:
- A. An email address of bossportsnutrition@gmail.com;
 - B. A disbursement account at Bank of America account ending in 6134;
 - C. An address of 2212 Plant Avenue, Redondo Beach, CA 90278; and,
 - D. A telephone number of 708-415-4783.
20. The Defendants operated an Amazon account for U.S. Fusion Supply/Tony Novak. The account listed the following information:
- A. An email address of usfusionsupply@gmail.com;
 - B. An address of P.O. Box 11338, Torrance, CA 90510; and,
 - C. A telephone number of 708-415-4783.

PAYMENT PROCESSING

21. The Defendants established and maintained various merchant/business accounts with Authorize.net.
- A. The 4 Star Solutions business account listed the following information:

- i. URL¹: <http://www.4starsolutions.com>;
- ii. Address: 1307 West 214th Street, Torrance, CA 90501;
- iii. Principal information: Nguyen Thoai, 1307 West 214th Street, Torrance, CA 90501, 708-415-4783, orders.4starsolutions@gmail.com;
- iv. Billing information: Anthony Novak, 1307 West 214th Street, Torrance, CA 90501.

B. The Bloodstone Solutions business account listed the following information:

- i. URL: bloodstonesolutions.com;
- ii. Address: 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501;
- iii. Principal information: Anthony Novak, 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501; 708-415-4783; bloodstonesolutions@gmail.com;
- iv. Billing information: Anthony Novak, 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501.

C. The Boss Sports Nutrition business account listed the following information:

- i. URL: bosssportsnutrition.com;
- ii. Address: 24401 Hawthorne Blvd, Torrance, CA 90505
- iii. Principal information: Anthony Novak, Redondo Beach, CA 90278, 708-415-4783, bosssportsnutrition@gmail.com;
- iv. Billing information: Anthony Novak, Bank of America account ending in 2148.

D. The Transformix Peptides business account listed the following information:

- i. URL: transformixpeptides.com

¹ A URL is a uniform resource locator, colloquially termed a web address.
USAO# 2016R00217

- ii. Address: 2212 Plant Ave., Redondo Beach, CA 90278
 - iii. Principal information: Anthon Novak, 2212 Plant Ave., Redondo Beach, CA 90278, 708-415-4783, transformixpeptides@gmail.com;
 - iv. Billing information: Transformix Peptides, Bank of America account ending in 0550.
- E. The U.S. Fusion Supplies business account listed the following information:
- i. URL: <http://www.usfusionsupplies.com>;
 - ii. Address: 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501;
 - iii. Principal information: Anthony Novak, Redondo Beach, CA 90278, 708-415-4783, tony.novak@gmail.com;
 - iv. Billing information: Anthony Novak, bank account ending in 5089.
- F. The U.S. Fusion Supply business account listed the following information:
- i. URL: <http://www.usfusionsupplies.com>;
 - ii. Address: 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501;
 - iii. Principal information: Anthony Novak, 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501, 708-415-4783, tony.novak@gmail.com;
 - iv. Billing information: US Fusion Supply, bank account ending in 5089.
22. In or about October 2016 ANTHONY NOVAK, on behalf of U.S. Fusion Supply, applied for a merchant bankcard with Humbolt Merchant Services. In the application that was ultimately approved ANTHONY NOVAK indicated that:
- A. U.S. Fusion Supply was located at 2424 Sepulveda Boulevard, Suite F, Torrance, California, 90501;
 - B. He was the owner of U.S. Fusion Supply;

- C. His email address was tony.novak@gmail.com;
 - D. The URL for U.S. Fusion Supply was usfusionsupplies.com;
 - E. ACH² transactions should be deposited into Bank of America account ending in 5089; and,
 - F. The products/services sold by U.S. Fusion Supply were “over stock vitamins.”
23. In or about October 2016 ANTHONY NOVAK, on behalf of Boss Sports Nutrition, applied for a merchant bankcard with Humbolt Merchant Services. In the application that was ultimately withdrawn ANTHONY NOVAK indicated that:
- A. Boss Sports Nutrition was located at 24401 Hawthorne Boulevard, Suite F, Torrance, California, 90505;
 - B. He was the owner of Boss Sports Nutrition;
 - C. His email address was bossportsnutrition@gmail.com;
 - D. The URL for Boss Sports Nutrition was bossportsnutrition.com;
 - E. ACH transactions should be deposited into Bank of America account ending in 5089; and,
 - F. The products/services sold by Boss Sports Nutrition were sports supplements.

EMAIL ADDRESSES/ADDRESSES

24. ANTHONY NOVAK provided the following email address to Capital One Bank:
- tony.novak@gmail.com.
25. ANTHONY NOVAK provided the following address to Capital One Bank: 2212 Plant Ave, Redondo Beach, CA 90278-2014.

² ACH stands for automatic clearing house, a nationwide electronic funds transfer network which enables participating financial institutions to distribute electronic credit and debit entries to bank accounts and to settle such entries.

26. ANTHONY NOVAK, as of July 19, 2017, resided at 1307 W. 214th Street, Torrance, CA, 90501.
27. SPENCER GILL provided the following address to Capital One Bank: 2256 W 232nd Street, Torrance, CA 90501-5720.
28. SPENCER GILL provided the following email address to Amazon:
spencer.gill89@yahoo.com
29. SPENCER GILL, as of July 19, 2017, resided at 30003 Cachan Place, Rancho Palos Verdes, CA 90275

BANK ACCOUNTS

30. Bank of America account ending in 0454 is registered to 4 Star Solutions. The application for this account was signed by Thoai Tuong Nguyen as President, ANTHONY NOVAK as Secretary, and SPENCER GILL as Treasurer.
31. Bank of America account ending in 0467 is registered to 4 Star Solutions. The application for this account was signed by Thoai Tuong Nguyen as President, ANTHONY NOVAK as Secretary, and SPENCER GILL as Treasurer.
32. Bank of America account ending in 0550 is registered to Transformix Peptides, SPENCER GILL, and ANTHONY NOVAK. The application for this account was signed by ANTHONY NOVAK and SPENCER GILL as partners.
33. Bank of America account ending in 2148 is registered to Boss Sports Nutrition Online Sales Account, SPENCER GILL, and ANTHONY NOVAK. The application for this account was signed by ANTHONY NOVAK and SPENCER GILL as partners.
34. Bank of America account ending in 2258 is registered to Boss Sports Nutrition General Account, ANTHONY NOVAK, and SPENCER GILL. The application for this account

was signed by ANTHONY NOVAK and SPENCER GILL as partners.

35. Bank of America account ending in 3569 is registered to Boss Sports Nutrition, SPENCER GILL, and ANTHONY NOVAK.
36. Bank of America account ending in 3648 is registered to SPENCER GILL and ANTHONY NOVAK.
37. Bank of America account ending in 5089 is registered to U.S. Fusion Supply.
38. Bank of America account ending in 5448 is registered to Transformix Peptides, SPENCER GILL, and ANTHONY NOVAK. The application for this account was signed by ANTHONY NOVAK and SPENCER GILL as partners.
39. Bank of America account ending in 6134 is registered to SPENCER GILL and ANTHONY NOVAK.
40. Bank of America account ending in 7228 is registered to ANTHONY NOVAK.
41. Bank of America account ending in 7323 is registered to Boss Sports Nutrition and ANTHONY NOVAK.
42. Bank of America account ending in 8732 is registered to ANTHONY NOVAK.
43. Bank of America account ending in 9937 is registered to 4 Star Solutions. The application for this account was signed by Thoi Tuong Nguyen as President, ANTHONY NOVAK as Secretary, and SPENCER GILL as Treasurer.
44. Bank of America account ending in 8732 is registered to ANTHONY NOVAK.
45. Bank of America account ending in 7228 is registered to ANTHONY NOVAK.
46. JP Morgan Chase account ending in 6980, a CUTMA (California Uniform Transfers to Minors Act) account is registered to SPENCER A. GILL as custodian for S. A. G. II under the CUTMA.

47. JP Morgan Chase account ending in 9642 is registered to SPENCER GILL and Marishanna R. Gill.

PRODUCT INFORMATION

48. GILL and NOVAK sold products that were and were intended to be used as a drug.
49. GILL and NOVAK sold products with labels and labeling that were false and misleading in that they claimed the products were dietary supplements but, in truth and in fact, were and were intended to be used as a drug.
50. GILL and NOVAK sold products with labels and labeling that were false and misleading in that they claimed the products were for research purposes only but, in truth and in fact, were and were intended to be used as a drug.

FDA ACTION

51. An entry record, dated February 2016, documented the detention of a package addressed to ANTHONY NOVAK, Boss Sports Nutrition, 2424 Sepulveda Blvd, Ste. F, Torrance, CA 90501. The items inside the package were identified as 56 pieces of Highly Purified Chorionic Gonadatropin Injection 5000 IU (HCG). The entry record stated that these items were detained because they were both an adulterated medical product and an unapproved new drug as classified by the FDA. Photographs taken at that time show a sample of the boxes the pieces were shipped in. Those boxes identified the product as Highly Purified Chorionic Gonadotropin Injection 5000 IU, under the brand name HUCOG 5000 HP. Additionally, the box stated that this product was manufactured in India by BHarat Serums and Vaccines Limited. The package recipient was listed as ANTHONY NOVAK, Boss Sports Nutrition, 2424 Sepulveda Blvd, Ste. F, Torrance, CA 90501.

52. A notice of FDA Action, dated February 24, 2016, was sent to ANTHONY NOVAK, Boss Sports Nutrition, 2424 Sepulveda Blvd, Ste. F, Torrance, CA. The letter explained that the above described items had been detained at the point of entry into the United States (IMF-JFK airport) because they were in violation of FDA regulations. The letter explained that the items detained were considered both adulterated medical products and unapproved new drugs. Additionally, ANTHONY NOVAK was advised that he could contest this detention if he believed that these products were lawful for entry.
53. A subsequent Notice of FDA Action, dated March 17, 2016, was sent to ANTHONY NOVAK, Boss Sports Nutrition, 2424 Sepulveda Blvd, Ste. F, Torrance, CA. This notice was an official Refusal of Admission of the items as described above. ANTHONY NOVAK was advised that the items were to be returned to the sender or destroyed.

COUNT ONE
(Conspiracy)

The Grand Jury charges that:

54. The factual allegations contained in paragraphs 1 through 53 are realleged and incorporated by reference.
55. From in or about January 2012 through on or about the date of this indictment, in the Western District of Virginia and elsewhere, ANTHONY NOVAK, SPENCER GILL, and others (collectively referred to as "Conspirators"), knowingly conspired to defraud the United States and an agency thereof, that is, to defraud the United States by impeding, impairing, obstructing, and defeating the lawful functions of the Food and Drug Administration of the Department of Health and Human Services in regulating drugs for

use by humans.

OVERT ACTS

To effect the object of the conspiracy, the Conspirators committed several acts in the Western District of Virginia and elsewhere, including, but not limited to, the following:

56. During the time of the conspiracy the Conspirators operated, maintained, and used the following websites:
- A. bosssportsnutrition.com;
 - B. usfusionsupply.com;
 - C. transformixpeptides.com;
 - D. usfusionsupplies.com.
57. During the time of the conspiracy the Conspirators used, maintained, and operated the following email addresses:
- A. bosssportsnutrition@gmail.com;
 - B. order.bosssportsnutrition@gmail
 - C. usfusionsupply@gmail.com;
 - D. transformixpeptides@gmail.com;
 - E. tony.novak@gmail.com; and,
 - F. spencer.gill89@yahoo.com.
58. During the time of the conspiracy the Conspirators disseminated advertisements offering products for sale via the websites listed above.
- A. For example, on November 14, 2016, the Conspirators sent or caused to be sent an email from Transformix Peptides to SA Flagg³ with the subject line, "Last Day

³ All references to SA Flagg concern activity he performed in an undercover capacity using an USAO# 2016R00217

for Veterans Day Sale! Save 30% off!!!” The body of the email read, “Veterans Day Sale! 30% Off Everything!!! Enter PROMO CODE ‘veteran30’ Worldwide Shipping!” The products listed for sale had the fraudulent disclaimer, “Product Usage: THIS PRODUCT IS INTENDED AS A RESEARCH CHEMICAL ONLY.”

59. During the time of the conspiracy the Conspirators caused funds to be deposited into, and withdrawn from, the following bank accounts:
- A. Bank of America account ending in 0454;
 - B. Bank of America account ending in 0467;
 - C. Bank of America account ending in 0550;
 - D. Bank of America account ending in 2148;
 - E. Bank of America account ending in 2258;
 - F. Bank of America account ending in 3569;
 - G. Bank of America account ending in 3648;
 - H. Bank of America account ending in 5089;
 - I. Bank of America account ending in 5448;
 - J. Bank of America account ending in 6134;
 - K. Bank of America account ending in 7228;
 - L. Bank of America account ending in 7323;
 - M. Bank of America account ending in 8732;
 - N. Bank of America account ending in 9937;
 - O. JP Morgan Chase account ending 6980; and,

P. JP Morgan Chase account ending in 9642.

60. In or about 2016, the Conspirators engaged in the following financial activities:

- A. The Conspirators received approximately \$1,061,562 in deposits into Bank of America account ending in 6134 from the sale of products via the websites listed above.
- B. The Conspirators transferred approximately \$35,400 from Bank of America account ending in 6134 to Bank of America account ending in 5089;
- C. The Conspirators transferred approximately \$690,748 from Bank of America account ending in 6134 to Bank of America account ending in 0550;
- D. The Conspirators received approximately \$117,922 in deposits into Bank of America account ending in 5089 from the sale of products via the websites listed above;
- E. The Conspirators transferred approximately \$37,000 from Bank of America account ending in 5089 to Bank of America account ending in 0550;
- F. The Conspirators transferred approximately \$32,600 from Bank of America account ending in 5089 to Bank of America account ending in 5448;
- G. The Conspirators transferred approximately \$37,766 from Bank of America account ending in 5089 to Bank of America account ending in 9937;
- H. The Conspirators received approximately \$746,597 in deposits into Bank of America account ending in 2148 from the sale of products via the websites listed above;
- I. The Conspirators transferred approximately \$11,097 from Bank of America account ending in 2148 to Bank of America account ending in 6134;

- J. The Conspirators transferred approximately \$718,954 from Bank of America account ending in 2148 to Bank of America account ending in 0550; and,
- K. The Conspirators received approximately \$71,220 in deposits into Bank of America account ending in 0467 from the sale of products via the websites listed above.
- L. The Conspirators deposited into JP Morgan Chase account ending in 9642 approximately \$154,008 in funds drawn on Bank of America account ending in 0550.
- M. The Conspirators deposited into JP Morgan Chase account ending in 9642 approximately \$54,428 in funds drawn on Bank of America account ending in 6134.
- N. The Conspirators deposited into JP Morgan Chase account ending in 9642 approximately \$54,978 in funds drawn on Bank of America account ending in 5089.
- O. The Conspirators transferred approximately \$333,926 from JP Morgan Chase account number ending in 9642 to JP Morgan Chase account ending in 6980.
- P. The Conspirators transferred approximately \$97,800 from Bank of America account ending in 7228 to Bank of America account ending in 8732.
- Q. The Conspirators deposited into Bank of America account ending in 8732 approximately \$11,080 in funds drawn on Bank of America account ending in 0550.
- R. The Conspirators deposited into Bank of America account ending in 8732 approximately \$5,876 in funds drawn on Bank of America account ending in

6134.

S. The Conspirators deposited into Bank of America account ending in 8732 approximately \$4,600 in funds drawn on Bank of America account ending in 5089.

T. The Conspirators deposited into Bank of America account ending in 7228 approximately \$129,481 in funds drawn on Bank of America account ending in 0550.

U. The Conspirators deposited into Bank of America account ending in 7228 approximately \$42,900 in funds drawn on Bank of America account ending in 6134.

V. The Conspirators deposited into Bank of America account ending in 7228 approximately \$35,378 in funds drawn on Bank of America account ending in 5089.

61. During the time of the conspiracy, the Conspirators, in operating the Transformixpeptides.com website, displayed the following information.

A. In the "About Us" section, the website states, "We provide a safe and convenient place to buy research peptides at best possible prices without sacrificing quality. Operated out of the U.S. we provide you with the highest grade U.S. made peptides for research and laboratory testing. With over 15 years of worldwide ecommerce experience we pride ourselves in offering the highest quality research products to our customers . . . All of our products are sold for research purposes only, and are guaranteed to be 98.6% or higher purity. We go above and beyond to provide the highest-grade research peptides online to ensure that your research

is accurate and effective.”

- B. In the “Shipping Policy” section, the website states, “Once the order has left our premises we are not responsible for customs hold-ups.”
- C. In the “Frequently Asked Questions” section, the website states, “We will not answer any questions via any form of communication about peptide characteristics, use, or research administration. We are a re-seller of pure high grade peptides and cannot answer questions or give advice on these products. All products on this site are strictly for research purposes only and not for human consumption.”
- D. In the “Terms & Conditions” section, the website states, “PRODUCTS SOLD ON THIS WEBSITE ARE FOR RESEARCH PURPOSES ONLY.”
- E. In the “Transformix Peptides” section, the website states, “Our peptides are constantly tested for purity and are made by a WHO/GMO certified U.S. laboratory. Our goal is to provide the science/research community with quality, high-grade research chemicals for continued learning and research in the peptide field.” “Transformix Peptides ensures through rigorous testing and certifications that all our products are of 99% purity and up . . . we always provide the highest grade U.S. made research chemicals.”
- F. In the “Disclaimer” section, the website states, “All product purchases from Transformixpeptides.com are for research/laboratory use only and is not intendeded [sic] for human or animal use. Accidental ingestion could increase body temperature, heart palpitations, vomiting, shaking or even death. Keep out of reach of children. Protect from light. This site is international and has

international visitors and what may be legal in one country may not be legal in another, however, any information garnered from this site does not imply or suggest human or any use at all. Any replies via email or posting regarding you/my animal and using I/me/my/mine and you or yours refers to tissue samples and test subjects! My replies NO NOT imply human use and of course, do not do anything illegal with anything in this website.”

62. During the time of the conspiracy, the Conspirators, in operating the bossportsnutrition.com website:

- A. Offered for sale products that purport to contain:
 - i. Ostarine;
 - ii. Andarin;
 - iii. GW-50156;
- B. Listed for sale a product labeled “Fury DMZ” with a warning stating, “This product can negatively affect male fertility.”
- C. Stated in the “SARMS” section that, “The term SARMS stands for ‘Selective Androgen Receptor Modulators.’ . . . SARMS on the other hand, are not an imitation of steroids – they’re an upgrade. They’re said to treat various illnesses that were formerly treated with anabolic steroids and other medicines.”

63. During the time of the conspiracy, the Conspirators, in operating the usfusionsupply.com website:

- A. Offered for sale human chorionic gonadotropin (HCG) purportedly manufactured in India by Bharat Seriums and Vaccines Limited, stating that, “HCG is a hormone that supports the normal development of an egg in a woman’s ovary, and

stimulates the release of the egg during ovulation. HCG is used . . . to increase sperm count in men . . . in young boys when their testicles have not dropped down. . . . HCG may also be used for other purposes not listed. HCG is given as an injection under the skin or into a muscle. If you use HCG at home, your doctor, nurse, or pharmacist will give you specific instructions on how and where to inject this medicine. Do not self-inject HCG if you do not fully understand how to give the injection and properly dispose of used needles and syringes. Call your doctor at once if you have any of these signs of a blood clot: pain, warmth, redness, numbness, or tingling in your arm or leg; confusion, extreme dizziness, or severe headache.”

- B. Stated in the “About Us” section that “We have been in the Nutraceutical business[]since 2012. From our experience we have determined that our vitamin injections provide the most benefit of all the ones available on the market. We have spent years on the internet in an attempt to make our health related products easily obtainable as long as the consumer qualifies medically. Our website is 100% HIPAA Compliant as well as PCI Compliant. Your medical information . . . is extremely secure with us.”
- C. Stated in the “Disclaimer” section that “The medicines mentioned in our website are alternative medicines being marketed by the company and the US brands name is only mentioned against the marketed drug for knowledge/information purposes for the prospective customers . . . the website and its owners are not liable for the use or action of any medicine mentioned in the website.
- D. Stated in the “Accepted Payment Options” section that “U.S. Fusion Supply will

appear on your bank or credit card statement discreetly as K Wholesale. If you have any questions or concerns about this transaction or how it will appear on your bank or credit card statement, please call the processor . . . for more information.”

64. The Conspirators, caused to be posted a video on YouTube in which an individual (known to the Grand Jury and identified herein as “B.L.”), while wearing a “Transformix Peptides” shirt, injects himself with the contents of two syringes. Before injecting himself, B.L. identifies the contents of the two syringes as “IGF⁴ 1-LR3” and “HGH frag 500 mcg,” then states that “You can get them on Transformix. This is the real shit.” B.L. then states that he “works with” Transformix.
65. The Conspirators made multiple payments to B.L., including the following:
- A. In March 2016 the Conspirators paid B.L. approximately \$10,708 in funds drawn on Bank of America account ending in 0550 that is registered to Transformix Peptides.
 - B. In April 2016 the Conspirators paid B.L. approximately \$13,605 in funds drawn on Bank of America account ending in 0550 that is registered to Transformix Peptides.
 - C. In May 2016 the Conspirators paid B.L. approximately \$11,638 in funds drawn on Bank of America account ending in 0550 that is registered to Transformix Peptides.
 - D. In June 2016 the Conspirators paid B.L. approximately \$13,610 in funds drawn on Bank of America account ending in 0550 that is registered to Transformix Peptides.

⁴ B.L. pronounces IGF as “I Jeff.”
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66. The Conspirators maintained a Facebook page titled Transformix Peptides.
- A. On September 19, 2016, the Transformix Peptides Facebook page stated, “Back by Popular DEMAND from the best in the GAME!!! We have the BIGGEST and STRONGEST selection of SARMS and SARM blends in the world guaranteed! Get yours today at 30% off when you enter promo code ‘big 30’ at checkout. This promo is for a limited time ONLY so act FAST! Worldwide Shipping!!!”
- i. Comments in response to this posting included the following:
- a. “. . . from this company is badass it helps control estrogen aka what gives you bitch tits!!!;” and,
- b. “. . . get this instead of your protein shake.”
- B. On April 25, 2015, the Transformix Peptides Facebook page stated, “Take advantage of our New Rewards Program! Too many of our customers are not redeeming points, thus missing out on HUGE savings! Make your purchase count! Earn 2500 points Just for Registering and You will receive points for all previous orders!! Our Rewards Program benefits every registered customer. For each \$1 spent (excluding tax, shipping, and handling), you can earn 10 points to be spent on in store items . . .”
67. The Conspirators maintained a Facebook page, titled US Fusion Supply.
- A. On June 17, 2016, the US Fusion Supply Facebook page stated, “Please read below as to why our Nutrient/Lipotropic Injections can help and benefit your quality of life! Get yours NOW and save by entering in promo code ‘fusion 15’ for 15% off your order! Ships worldwide!!!”
68. The Conspirators sent, or caused to be sent, an email dated August 25, 2016, from

Transformix Peptides to a Hotmail address, containing the following statement, "Hello,
In order to avoid issues with customs clearance, we re-labeled your product(s) product(s)
to the following:

5a-Hydroxy Laxogenin- L Carnitine
IGF DES - Vitamin D
SARM 3D - Vitamin B12
Triplex - Vitamin B Complex"

69. The Conspirators sent, or caused to be sent, email messages in an email exchange dated August 19 and 20, 2016, between a Hotmail.com user and transformixpeptides@gmail that included the following exchange:
- A. Hotmail user⁵: "Hi, I have received the order thank you. Please explain how the best way to use these? Thanks"
 - B. transformixpeptides@gmail: "Hello . . . , Research protocol for Clen and T3 are as follows: Clen- start 40mcg Everyday split into 2 doses *Taper up by 20mcg every 2 weeks for clen. Do not go higher than 80mcgs[.] T3- Start with 25mcg everyday[.] *Taper up by 25mcg after 1 week. Stay at 50mcg for another 9 weeks."
 - C. Hotmail user: "And they are both put under the tongue?"
 - D. transformixpeptides@gmail: "Yes" followed by a fraudulent disclaimer that reads, "All products purchased from Transformixpeptides.com are for research/laboratory use only and is not intended for human or animal use."
70. The Conspirators sent, or caused to be sent, emails in an email exchange dated February 23, 2016, between usfusionsupply@gmail.com and a Gmail.com user that included the

⁵ The Hotmail username has been redacted.
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following exchange:

- A. Gmail user⁶: "Is this real injectable hcg. I will need 4. Doug"
- B. usfusionsupply.com: "Hello Douglas, Yes of course it's real. You get what you see in the picture. Our Corion and Ovidac HCG are pharmaceutical brands. Thank You, U.S. Fusion Supply Inc."

71. The Conspirators sent, or caused to be sent, emails in an email exchange dated February 2, 2016, and February 15, 2016, between usfusionsupply@gmail.com and a Pharmade.com user that included the following exchange:

- A. Pharmade user⁷: "Hi friend, We are a genuine legit steroid/prohormone/SARM/peptide powder and steroid injection supplier, and looking forward to establishing a long-term business relationship with you. We have a rich experience in helping big customers establishing a lab and their own brand. We can teach you how to make steroid injections/tablets/capsules step by step. We offer all raw materials . . . , all machines . . . , semi-finished steroid injections, steroid injection/tablet/capsule recipes, and technical supports. All in all, we can offer everything you need to establish a lab and a brand. . . . Multiple discreetly-disguised packages ensure smooth delivery of steroid/prohormone/SARMS/peptide powders and steroid injections to many countries, like USA . . . and so on. . . . We only offer semi-finished steroid injections. Customers just need to filter it before injection and selling. Heating semi-finished steroid injections to 40? will make filtering smoother."

⁶ The Gmail username has been redacted.

⁷ The Pharmade username has been redacted.

- B. usfusionsupply@gmail.com replied: "Hello . . . What is the minimum required to order? I'm interested in your peptide/SARM powders but I'd like to order multiple products. Can you provide us with any samples for us to test? Also, what form of payment do you accept? I look forward to hearing from you. Thanks!"
- C. usfusionsupply@gmail.com wrote: (February 13, 2016): "Hello . . . , I am interested in 50 grams each of the following products...MK-677, YK11, RAD-140, SR-9009, GW-501516, S4-Andarine, Ostarine, LGD-4033, Tadalafil. Please give me a good price and let me know what the next steps are for payment. Also, how fast do you ship products? Thanks!"
- D. Pharmade user: "Hi friend, Sorry for the late reply. My Spring Festival holiday (February 5 to February 14) is just finished and I am back on duty today. Your order will be delivered with 2 separate parcels. Here is the discount price of your order: . . . Discount price: \$7400 . . ."
- E. usfusionsupply@gmail.com replied: "Sounds great! Thank you for getting back to me! I don't need the YK-11 right now. But let's get 100g of Tadalafil instead please. Also, do you carry the following?... Tamoxifen Citrate, Exemestane, Anastrozole, T3, T4, Clen, and Sildenafil. Please add me on Whatsapp for easier communication. My name is Spencer Gill (310) 483-8387. Thanks! :) Thank You, U.S. Fusion Supply Inc."

72. The Conspirators sent, or caused to be sent, an email dated Monday, July 18, 2016 from transformixpeptides@gmail.com to A.K., stating:

"To avoid customs issues we relabeled your order:
GHRP 6 = Vitamin b12
CJC no dac = b12 With Folic acid
Thank you, Transformix Peptides Inc."

73. On April 4, 2016, and other dates the Conspirators via the website transformixpeptides.com offered for sale items that claimed to contain ingredients such as GHRP-6 (also known as Growth Hormone Releasing peptides), DMAA and ostarine. The Conspirators, via this website, listed for sale a 60ml bottle of DMAA/Nutropic blend liquid.

A. The Conspirators caused the following disclaimer to appear on the webpage listing this product for sale. That disclaimer stated that “This product is intended as a research chemical only. This designation allows the use of research chemicals strictly for in vitro testing and laboratory experimentation only. All product information available on this website is for educational purposes only. Bodily introduction of any kind into humans or animals is strictly forbidden by law. This product should only be handled by licensed, qualified professionals. This product is not a drug, food or cosmetic and may not be misbranded, misused or mislabeled as a drug, food or cosmetic”.

B. The Conspirators caused the following product description by ingredient to appear on the webpage listing this product for sale, stating that DMAA:

“Methylhexanamine, commonly known as 1,3-dimethylamylamine or DMAA, was invented and developed as an nasal decongestant” and that “NooPept was beneficial in restoring cognition in regard to Alzheimer’s disease. It has, also, shown to prevent free radicals and pro-inflammatory cytokins accumulation, ionic imbalance, neurotrophin deficit and excitotoxicity.”

74. On April 4, 2016, the Conspirators, via the website transformixpeptides.com, sold to Special Agent (SA) Flagg a 60ml bottle of “DMAA/Nutropic blend liquid” for \$79.99.

- A. On or before April 8, 2016, the Conspirators shipped or caused to be shipped a small padded envelope (and its contents) with a return address of Transformix, PO Box 11338, Torrance, CA to be delivered by the United States Postal Service to SA Flagg in Winchester, Virginia. The package contained:
- i. A small clear plastic bottle with a white cap and no seal containing a liquid. The label identified the contents of the bottle as Transformix Peptides, DMAA/Nutropic Blend 380mgs/ml x 60ml DMAA 50mgs, NooPept 30mgs, Caffeine 300mgs and stated, "NOT FOR HUMAN CONSUMPTION RESEARCH PURPOSES ONLY"; and,
 - ii. An invoice identifying the seller as Transformix, PO Box 11338, Torrance, CA, transformixpeptides.myshopify.com, order number 12762.
75. On April 9, 2016, the Conspirators, via the bossportsnutrition.com website, sold to SA Flagg several items for \$309.96. The items were labeled (1) "The Bump V2," (2) "Freak Juice", (3) "SARM-3D," and (4) "Krack."
- A. Thereafter, the Conspirators sent or caused to be sent email order confirmations from order.bossportsnutrition@gmail.com to SA Flagg regarding the above transaction. These emails listed a contact email address of bossportsnutrition@gmail.com.
- B. On or before April 15, 2016, the Conspirators caused a small package (and its contents) with a return address of Boss Sports Nutrition, 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501 to be delivered by the United States Postal Service to Winchester, Virginia. Inside the package were:
- i. A 7.9 ounce black plastic jar, sealed, labeled as "Freak Juice, "Dietary

Supplement,” “extreme mental focus,” “stamina,” “stupid energy,” “Due to its potency Drack users are encouraged to start with one capsule to assess their tolerance then progress to two capsules per day. Drinking lots of water is encouraged due to the powerful thermogenic effect of this compound. DUE NOT EXCEED 2 CAPSULES IN A 24HR PERIOD.”

- ii. A 7.9 oz. bottle labeled “Lui Marco’s The Bump V2 the workout blaster,” “Dietary Supplement,” “mind boggling pump,” “tunnel like vision and superior concentration,” “supreme strength,” “DO NOT EXCEED 1 SCOOP in a 24 Hour period !!!;”
- iii. A small white plastic bottle black cap, sealed, labeled as “Krack,” “Prolonged euphoric energy,” “enhanced focus,” “amplified fat burning,” “rapid weight loss,” and “increase caloric combustion.” It lists its ingredients as including DMAA, Pikatropin, Theacrine, PEA, MCC and Silica.
- iv. A small clear plastic bottle with a white cap, no seal, containing an orange liquid, labeled as “Hardcore Formulation”, “SARM 3D”, “Take 1ml by mouth everyday for 8 weeks, followed by a 4 week break;”
- v. A small glass 1ml liquid dropper; and,
- vi. A receipt for this transaction and items identifying the seller as Boss Sports Nutrition, Torrance, CA, order number 19629.

76. On May 16, 2016, the Conspirators, via the website bosssportsnutrition.com, sold to SA Flagg four items: (1) Ultra Trim Sculpting Formula, (2) OXY-V, (3) Lady Lean and (4) Adipropen, for \$247.92.

- A. According to representations made by the conspirators via the bosssportsnutrition.com website and product labeling, Ultra Trim Sculpting Formula is a product of ATS Labs and is a blend of CLA and essential fatty acids used by the body to shed body fat, promote lean muscle mass, maintain a healthy heart and normal cholesterol levels.
- B. According to representations made by the conspirators via the bosssportsnutrition.com website and product labeling, Lady Lean is a product of ATS Labs and is designed to help the consumer burn fat. It also purports that the product contains a muscle builder as well as an appetite suppressor as part of the proprietary blend.
- C. According to representations made by the conspirators via the bosssportsnutrition.com website and product labeling, OXY-V is a weight loss product. The description of this product on the website states that this product contains DMAA. While the label shows a symbol for NutraPro, the website states this is a Boss Sports Nutrition branded product.
- D. According to representations made by the conspirators via the bosssportsnutrition.com website and product labeling, Adipropen is a product of Hardcore Formulations and is a high stimulant compound effectively used for weight loss and pre-workout energy.
- E. On or before May 23, 2016, the Conspirators caused a small package (and its contents) with return address Boss Sports Nutrition, 2424 Sepulveda Blvd, Suite F, Torrance, CA 90501 to be delivered by the United States Postal Service to Winchester, Virginia. The package contained:

- i. An invoice for the four items sold by the Conspirators via bossportsnutrition.com on May 16, 2016, as well as the seller (Boss Sports Nutrition) and the invoice number #19878.
- ii. A bottle labeled Ultra Trim Sculpting Formula dietary supplement, 90 softgel capsules (LOT #194867, MFD 8/2015, Exp 8/2015). The label indicated that the bottle of Ultra Trim was manufactured by Achievements Through Science Labs (ATS Labs);
- iii. A bottle labeled Lady Lean dietary supplement, 60 softgel capsules (no LOT# information). The label indicated that the bottle of Lady Lean was manufactured by Achievements Through Science Labs (ATS Labs);;
- iv. A bottle of OXY-V energy and power amplifier, 50 capsules (LOT# 23891, EXP 9/2017). The label on the bottle of OXY-V indicated that product was manufactured for NPD (Nutra Pro), LLC, Miami, FL.; and ,
- v. A bottle labeled Adipropen dietary supplement, 90 capsules (no LOT# information). The label on the bottle of the Adipropen indicated that the product was manufactured for Hardcore Formulations.

77. On July 15, 2016, the Conspirators, via the usfusionsupply.com website, sold to SA Flagg (1) a bottle of HUCOG-5000 HP brand Highly Purified Chorionic Gonadotrophin Injection 5000 I.U. and (2) a bottle of US Fusion Supply Human Chorionic Gonadotropin 10,000 I.U. for \$149.98.

A. The Conspirators caused to appear on the usfusionsupply.com website a product description for both the HUCOG-5000 HP and the US Fusion Supply 10,000 I.U. that stated "Human Chorionic Gonadotropin (HCG) is a hormone that supports

normal development of an egg in a women's ovary, and stimulates the release of the egg during ovulation. HCG is used to cause ovulation and to treat infertility in women, and to increase sperm count in men."

- B. Subsequently, the Conspirators sent or caused to be sent to SA Flagg an order confirmation from usfusionsupply@gmail.com.
- C. On or before July 21, 2016, the Conspirators caused a package (and its contents) with a return address of U.S. Fusion Supply, P.O. Box 11338, Torrance, CA 90510-1338 to be delivered by the United States Postal Service to Winchester, Virginia. The package contained:
 - i. An invoice identifying the contents as order number 2806 and the seller as US Fusion Supply, PO Box 11338, Torrance, CA 90501.
 - ii. A small, sealed, clear vial of clear liquid labeled as HUCOG 5000 HP (5000 I.U/1 ml) Highly Purified Chorionic Gonadotrophin, batch No B 10916011, Mfd. 04/16, Exp. 03/18, Manufactured in India by Bharat Serums and Vaccines Limited. The sealed vial was in a small box labeled as same, HUCOG -5000 HP ((50001.U/1 ml), Highly Purified Chorionic Gonadotrophin, batch No B1 0916011, Mfd. 04/16, Exp. 03/18, "Warning: to be sold by retail on the prescription of a Gynaecologist or Endocrinologist attached to a hospital or clinic for male & female sub-fertility" with insert; and,
 - iii. A small clear vial with black lid containing several small white rock-like substances, labeled as U.S. Fusion Supply HCG 10,000 IU, human Chorionic Gonadotropin.

- D. On or about July 25, 2016, the Conspirators responded to an email sent by SA Flagg to usfusionsupply@gmail.com asking for a recommendation as to how to dilute the US Fusion Supply HCG product so as to make it into an injectable form. The Conspirators sent or caused to be sent a reply email from usfusionsupply@gmail.com, advising SA Flagg “You have to use 1ml of bac [bacteriostatic] water per vile.”
78. On August 30, 2016, the Conspirators via the usfusionsupply.com website sold to SA Flagg (1) a bottle of US Fusion Supply labeled GAC solution and (2) a 20 strip pack of Glucophage SR 500mg.
- A. The Conspirators caused to appear on the usfusionsupply.com website product details for their GAC⁸ solution, specifically, that GAC “has also been used to help expedite repair of workout related injuries, including tom pectorals, bone spurs and rotator cuff injuries”. The product details on the usfusionsupply.com website then listed and described the three ingredients. Under the description of Arginine (100mg/ml), the usfusionsupply.com website stated “Early evidence suggests that arginine may help treat medical conditions that improve with increased vasodilation, such as chest pain, clogged arteries, heart disease, heart failure, erectile dysfunction, peripheral vascular disease and headaches from blood vessel swelling.”
- B. The Conspirators caused to appear on the usfusionsupply.com website product details for Glucophage SR 500mg, specifically, that “Glucophage (metformin) is an oral diabetes medicine that helps control blood sugar levels.” A product photo

⁸ GAC stands for glutamine, arginine; and L-Carnitine.
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of the Glucophage offered for sale showed that this product was manufactured by USV Limited in India.

C. On or before September 8, 2016, the Conspirators caused a package (and its contents) with a return address of US Fusion Supply, PO Box 11338, Torrance, CA, 90510 to be delivered by the United States Postal Service to Winchester, Virginia. The package contained:

- i. An invoice from US Fusion Supply (order #3150), dated August 30, 2016, indicating a sale of (1) GAC Solution and (2) Glucophage SR 500mg Strip of 20;
- ii. A small brown glass container with green plastic cap, labeled "U.S. Fusion Supply, GAC Solution x 30ml, *Each ml contains Glutamine-25mg/ml, L-Arginine-100mg/ml, L-Carnitine-250mg/ml"; and,
- iii. A blister pack containing 20 pills, labeled as Metformin Hydrochloride Sustained Release Tablets IP 500mg Gl YCOMET -500 S.R, MFD by USV Limited, Plot No.6, HSPIDC UNDL. Area, Baddi. Batch No 28012088, MFG date: 05/2015, EXP Date: 04/2018.

79. On October 17, 2016, and other dates the Conspirators caused the transformixpeptides.com website to display for sale items purported to be high quality peptides. Conspirators caused the transformixpeptides.com website to display a disclaimer stating that all products sold on the website were for research use only and not intended for human or animal use.

80. On October 17, 2016, the Conspirators, via the transformixpeptides.com website, sold to SA Flagg (1) a bottle of Pramipexole, (2) a bottle of Raloxifene, (3) a bottle of

Toremifene, (4) a two bottle set of Tamoxifen Citrate and Clomiphene and (5) a two bottle set of Tadalafil and Sildenafil for \$434.94.

A. In connection with various products listed for sale on the transformixpeptides.com website, the Conspirators caused to be displayed the following disclaimer:

“Product Usage: This product is intended as a research chemical only. This designation allows the use of research chemicals strictly for in vitro testing and laboratory experimentation only. All product information available on this website is for educational purposes only. Bodily introduction of any kind into humans or animals is strictly forbidden by law. This product should only be handled by licensed, qualified professionals. This product is not a drug, food, or cosmetic and may not be misbranded, misused or mislabeled as a drug, food or cosmetic”.

B. Regarding each product sold to SA Flagg, following the above fraudulent disclaimer, the Conspirators caused the transformixpeptides.com website to display a description of the product itself by ingredient, which summarized the effects of the product on the human body, specifically how each ingredient/product could treat or mitigate some ailment, disease or dysfunction of the body, specifically that:

- i. “Pramipexole is indicated for prescription to treat Parkinson's disease and Restless Leg Syndrome.”
- ii. “Raloxifene and its sister drug tamoxifen are typically used in treating estrogen-receptor dependent breast cancer in female test subjects.”
- iii. Toremifen Citrate is “FDA approved for use in advanced (metastatic)

breast cancer.”

- iv. Tamoxifen is used to block cancer cell growth. Tamoxifen was discovered by ICIPharmaceuticals[2] (now AstraZeneca) and is sold under the trade names Nolvadex, Istubal and Valodex.
- v. Sildenafil and Tadalafil are described as treatments for male erectile dysfunction.

C. On or before October 20, 2016, the Conspirators caused a package (and its contents) with a return address of Transformix, P.O. Box 11338, Torrance CA 90510-1338 to be delivered by the United States Postal Service to Winchester, Virginia. The package contained:

- i. An invoice reflecting the sale of products by the Conspirators to SA Flagg on October 17, 2016. The invoice showed an order number of 19358. The invoice stated that “*****Your Credit Card will show charge as 4 Star Solutions Inc.*****”
- ii. A White plastic bottle was labeled “Transformix Peptides – Pramipexole 2mg/ml x 60ml . . . Not for Human Consumption, Research Purposes Only.”
- iii. Two white plastic bottles wrapped together. One bottle was labeled “Transformix Peptides – Raloxifene 60mg/ml x 60ml. . . Not for Human Consumption, Research Purposes Only” and the second bottle was labeled “Transformix Peptides – Toremifene Citrate 60mg/ml x 60ml. . . Not for Human Consumption, Research Purposes Only;”
- iv. Two white plastic bottles wrapped together. One bottle was labeled

“Transformix Peptides – Tadalafil 50mg/ml x 60 ml. . . Not for Human Consumption, Research Purposes Only,” and the second bottle was labeled “Transformix Peptides – Sildenafil 50mg/ml x 60 ml. . . Not for Human Consumption, Research Purposes Only;”

- v. Two white plastic bottles wrapped together. One bottle was labeled Transformix Peptides – Tamoxifen Citrate 20mg/ml x 60 ml. . . Not for Human Consumption, Research Purposes Only,” and the second bottle was labeled “Transformix Peptides – Clomiphene 50mg/ml x 60 ml. . . Not for Human Consumption, Research Purposes Only”.

81. On November 29, 2016, ANTHONY NOVAK, while operating the retail location for Boss Sports Nutrition at 2424 Sepulveda Boulevard, Suite F, Torrance, California, conversed and interacted with Food and Drug Administration (FDA) SA McMillan (who was acting in an undercover capacity). In response to SA McMillan advising ANTHONY NOVAK that he was interested in “bulking up,” ANTHONY NOVAK advised SA McMillan to purchase their product “Brickhouse,” stating that it contained M1, Methylsten, and DMZ, “which are all borderline legal.”

A. During his conversation with SA McMillan, ANTHONY NOVAK made various additional statements, including the following:

- i. When SA McMillan asked about purchasing Follistatin, ANTHONY NOVAK advised SA McMillan that Transformix Peptides sells it.
- ii. ANTHONY NOVAK described Transformix Peptides as a “sister” company.
- iii. ANTHONY NOVAK stated, “Our niche is we sell really strong products

that you can't buy anywhere else."

- iv. ANTHONY NOVAK stated that his company has its own product line made by another company.
- v. ANTHONY NOVAK suggested that SA McMillan purchase and ingest LGD, a SARMS, "which were developed to replace testosterone replacement therapy." When asked whether LGD was approved by the FDA, ANTHONY NOVAK stated that it was not.
- vi. ANTHONY NOVAK stated, "For SARMS, SARMS are the next big thing. Peptides are good. Peptides are awesome, don't get me wrong, but peptides, the only downside, you got to inject peptides."
- vii. ANTHONY NOVAK stated, "SARMS are different because SARMS you take orally. Um, there's – a lot of the nutrition companies started selling the pills with SARMS, but, uh –the FDA is cracking down on that. They don't want you, um – they don't want you promoting human use."
- viii. ANTHONY NOVAK stated, "MK677 is, uh – a growth hormone releaser, so you take that and it really helps your natural growth hormone release." "Uh, so that's a really popular one too. There's, um – there's a product on Transformix, it's called SARM 3D." "It's got three SARMS in one. It's got the – it's Ostarine, LGD, and GW."

- B. On this same day, ANTHONY NOVAK sold to SA McMillan two plastic bottles labeled as "Brickhouse Dietary Supplement," containing 60 capsules each for \$140. ANTHONY NOVAK also provided SA McMillan with his business card and cellular telephone number (708-415-4783).

- C. On December 12, 2016, the Conspirators via the transformixpeptides.com website sold to SA McMillan three products: (1) a vial of “IGF-1 LR3” (Insulin like growth factor-1), (2) a bottle of “Triplex (LGD-4033 30mg, MK-677 30mg, YK-11 30mg),” and (3) a bottle of “Trilogy (GW-501516 25mg, Ostarine 25mg, S4 25mg).”
- D. On or before December 14, 2016, the Conspirators caused a package (and its contents) with a return address of Transformix, PO Box 11338, Torrance, CA to be delivered by the United States Postal Service to SA McMillan in San Clemente, CA. The package contained:
- i. A plastic bottle labeled as “Trilogy (GW-501516 25mg, Ostarine 25mg, S4 25mg);”
 - ii. A plastic bottle labeled as “Triplex (LGD-4033 30mg, MK-677 30mg, YK-11 30mg);” and,
 - iii. A small glass vial containing a white powdery substance labeled as “IGF-1 LR3.”
- E. On December 20, 2016, in response to a text message sent by SA McMillan to cell phone number 708-415-4783 (provided by ANTHONY NOVAK) stating, “Tony - this is Mac...guy that was in the sh[o]p a few weeks back talking about peptides with you. I purchased some peptides, Trilogy and Triplex from Transformix website and had a couple questions. Any recommendation on how to reconstitute the IGF-1 LR3...and what is the correct dosage to inject. Thanks,” the Conspirators responded, “One ml of bac water” and “Then 5-10 units pre workout.”

82. On March 3, 2017, the Conspirators via the usfusionsupply.com website sold to SA Flagg the following items: (1) Glutathione Reduced 200mg 130ml Bottle, and (2) BCAA's 130ml Bottle for \$269.98.
- A. On March 3, 2017, the Conspirators sent or caused to be sent an order confirmation email to SA Flagg from usfusionsupply@gmail.com that detailed the above order (#5154) and stated, "Your receipt of this email with www.USfusionsupply.com will appear on your bank or credit statement discreetly as 4 Star Solutions Inc."
- B. On March 3, 2017, the Conspirators sent or caused to be sent an order confirmation email to SA Flagg from transformixpeptides@gmail.com which referenced order #5154 (that had been placed with usfusionsupply.com) stating, "Your credit card statement will say billed by Tristar International . . . " and that questions or replies could be sent to transformixpeptides@gmail.com.
- C. On March 3, 2017, the Conspirators sent or caused to be sent an order confirmation email to SA Flagg from transformixpeptides@gmail.com stating, "Thank you for placing your order with Transformix Peptides! This email is to confirm your recent order." "*****Your credit card statement will say billed by Tristar International 855-206-9636."
- D. On or before March 11, 2017, the Conspirators caused a package (and its contents) with a return address of US Fusion Supply, PO Box 11338, Torrance, CA 90501-1338 to be delivered by the United States Postal Service to Winchester, Virginia. The package contained:
- i. An invoice reflecting the Conspirators sale to SA Flagg of one (1) bottle

of Glutathione and one (1) bottle of BCAA;

- ii. One bottle labeled "U.S. Fusion Supply Glutathione 200mg x 30ml, *Each ml contains Glutathione-200mg"; and,
- iii. One bottle labeled "U.S. Fusion Supply BCAA's x 30ml, *Each ml contains Leucine-10mg/ml, Isoleucine-5mg/ml, Valine-5mg/ml".

83. All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Conspiracy to Commit Mail and Wire Fraud)

84. The factual allegations set forth in paragraphs 1 through 53 and 56 through 82 are realleged and incorporated by reference.

THE CONSPIRACY

85. From in or about January 2012 to on or about the date of this indictment, in the Western District of Virginia and elsewhere, ANTHONY NOVAK, SPENCER GILL, and others both known and unknown to the Grand Jury (collectively referred to as the "Conspirators"), knowingly conspired with each other and others to commit the following offenses against the United States:

- A. To knowingly devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing said scheme, deposit and cause to be deposited matters and things to be sent and delivered by the United States Postal Service and private and commercial interstate carriers, and cause matters and things to be delivered by the United States Postal Service and private and commercial interstate carriers according to the direction thereon, in violation of

Title 18, United States Code, Section 1341; and,

- B. To knowingly devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing said scheme, cause writings, signs, signals, pictures, and sounds to be transmitted by means of wire in interstate or foreign commerce, in violation of Title 18, United States Code, Section 1343.

THE SCHEME

86. The Conspirators operated multiple businesses, websites, and social media websites in order to sell drugs for human consumption and do so in a fraudulent manner to avoid regulatory oversight by the FDA. The Conspirators fraudulently represented that the drugs and products they sold were for research purposes only, when in truth and in fact, the Conspirators sold such drugs and products for human use. Additionally, the Conspirators sold products that fraudulently listed on their label an active ingredient that was not present in the product.

MANNER AND MEANS

87. The ways, manner, and means by which the foregoing objective of the conspiracy to commit wire and mail fraud were to be accomplished included, but were not limited to, the following:
88. The Conspirators created and maintained at least four business entities, namely Boss Sports Nutrition, U.S. Fusion Supply, Transformix Peptides, and 4 Star Solutions for the purpose of selling to consumers various products.
89. The Conspirators maintained and utilized social media, to include Facebook, to promote these businesses, their websites, and the products they sold.

90. The Conspirators created and maintained at least four websites, namely, bosssportsnution.com, usfusionsupply.com, usfusionsupplies.com, and transformixpeptides.com for the purposes of advertising, marketing and selling to consumers various products.
91. The Conspirators utilized these companies and websites as part of a scheme to sell various products and substances that they intended to be used by humans, while fraudulently representing that such products were not meant for human use.
92. The Conspirators utilized these companies and websites in order to avoid oversight by the FDA to include using and making fraudulent disclaimers and representations.
93. The Conspirators utilized these companies and websites in order to promote the sale of prescription drugs without requiring that customers present a prescription from a medical professional.
94. As part of an effort to avoid oversight by the FDA the Conspirators fraudulently represented that many of the products they sold were for research purposes only.
95. The Conspirators, while fraudulently claiming that many of the products they sold were for research purposes only, simultaneously listed the effects of such products on the human body as part of an effort to encourage customers to purchases such substances for personal use.
96. The Conspirators caused profits generated by one business to be deposited into a bank account registered to one of their other businesses.
97. The Conspirators intentionally mislabeling the contents of packages they shipped to customers in an effort to conceal the contents and protect the packages from scrutiny.
98. The Conspirators manufactured drugs for human use.

99. The Conspirators packaged drugs for human use.
100. The Conspirators distributed drugs via the United States Postal Service.
101. The Conspirators sold products that fraudulently listed on their label an active ingredient that was not present in the product.
102. All in violation of Title 18, United States Code, Section 1349.

NOTICE OF FORFEITURE

103. The allegations contained in Counts 1 through 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture.

THE GRAND JURY HEREBY FINDS THAT:

104. There is probable cause that the property described in this NOTICE OF FORFEITURE is subject to forfeiture pursuant to the statutes described herein.

NOTICE TO ALL DEFENDANTS

105. Upon conviction of one or more of the offenses alleged in Counts 1 through 2, which involve violations of Title 18, United States Code, Sections 371 and 1349, and pursuant to Title 18, United States Code, Sections 981(a)(1)(C)⁹, defendants ANTHONY NOVAK and SPENCER GILL shall forfeit to the United States all their rights, title and interest in the following:

- A. any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses;

MONEY JUDGMENT

106. The United States of America gives notice to all defendants, that upon conviction of any

⁹ See 18 U.S.C. § 1956(c)(7); 18 U.S.C. § 1961(1); and, 28 U.S.C. § 2461.
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defendant, a money judgment may be imposed on that defendant equal to the total value of the property subject to forfeiture, which is at least \$1,611,451.

PROPERTY SUBJECT TO FORFEITURE

107. The property to be forfeited to the United States includes but is not limited to the following property:

A. Domain Names:

- i. bosssportsnutrition.com
- ii. transformixpeptides.com
- iii. usfusionsupplies.com
- iv. tpsupplies.com

B. Bank Accounts:

- i. Bank of America account ending in 0454 registered to 4 Star Solutions.
- ii. Bank of America account ending in 0467 registered to 4 Star Solutions.
- iii. Bank of America account ending in 0550 registered to Transformix Peptides, SPENCER GILL, and ANTHONY NOVAK.
- iv. Bank of America account ending in 2148 registered to Boss Sports Nutrition Online Sales Account, SPENCER GILL, and ANTHONY NOVAK.
- v. Bank of America account ending in 2258 registered to Boss Sports Nutrition General Account, ANTHONY NOVAK, and SPENCER GILL.
- vi. Bank of America account ending in 3569 registered to Boss Sports Nutrition, SPENCER GILL, and ANTHONY NOVAK.
- vii. Bank of America account ending 3648 is registered to SPENCER GILL

and ANTHONY NOVAK.

- viii. Bank of America account ending in 5089 registered to U.S. Fusion Supply.
- ix. Bank of America account ending in 5448 registered to Transformix Peptides, SPENCER GILL, and ANTHONY NOVAK.
- x. Bank of America account ending in 6134 registered to SPENCER GILL, and ANTHONY NOVAK.
- xi. Bank of America account ending in 7228 registered to ANTHONY NOVAK.
- xii. Bank of America account ending in 7323 registered to Boss Sports Nutrition and ANTHONY NOVAK.
- xiii. Bank of America account ending in 8732 registered to ANTHONY NOVAK.
- xiv. Bank of America account ending in 9937 registered to 4 Star Solutions.
- xv. JP Morgan Chase account ending in 6980, a CUTMA (California Uniform Transfers to Minors Act) account registered to SPENCER A. GILL as custodian for S. A. G. II under the CUTMA.
- xvi. JP Morgan Chase account ending in 9642 registered to SPENCER GILL and Marishanna R. Gill.

SUBSTITUTE ASSETS

108. If any of the above-described forfeitable property, as a result of any action or omission of any of the defendants:
- A. cannot be located upon the exercise of due diligence;

- B. has been transferred or sold to, or deposited with, a third party;
- C. has been placed beyond the jurisdiction of the Court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

109. All pursuant to 18 U.S.C. §§ 981 and 982; 21 U.S.C. 853; and, 28 U.S.C. § 2461.

A TRUE BILL, this 20 day of March, 2018.

Catherine Brown
FOREPERSON

Rick A. Mountcastle
RICK A. MOUNTCASTLE
UNITED STATES ATTORNEY